

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
SEAN FRANCIS,)	
Register Number 82919-054,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 2nd day of February, 2010.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
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Attorney for Petitioner
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 2nd day of February, 2010, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Sean Francis
Reg. No. 82919-054
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
310 New Bern Avenue
Suite 800, Federal Building
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Trent H. Evans, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Sean R. Francis, Register Number 82919-054, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a six-month term of imprisonment and a twelve-month term of supervised release, following the revocation of his supervised release. His original sentence was concurrent 70-month terms of imprisonment and three-year terms of supervised release on four counts of Intimidation of Witnesses, in violation of 18 U.S.C. § 1512(b)(3), and one count of Extortion, in violation of 18 U.S.C. § 875(b); and concurrent 60-month terms of imprisonment and three-year terms of supervised release on 24 counts of Making Threatening Interstate Communications, in violation of 18 U.S.C. § 875(c) (E.D. KY) (Case Nos. 5:03-CR-166-KSF, 5:04-CR-74-KSF, and 5:04-CR-89-KSF). His offense conduct included telephoning several female college students in three states, telling them that he has been watching them, asking them

sexually explicit questions, and threatening to rape them if they failed to answer his questions, hung up the phone, or called police. His projected release date is February 6, 2010.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his conduct associated with his convictions for making sexually threatening communications. Additionally, he was previously convicted of eight counts of Making Threatening Interstate Communications, in the United States District Court, Southern District of New York (Case No. 99 CR01249-01), for making approximately 124 phone calls to women in five states threatening to rape or kill them. Shortly after commencing his supervised release term associated with these convictions, he made 50 more sexually threatening phone calls, resulting in the revocation of his supervised release. Additionally, there is evidence that, the day before he appeared in federal court for this supervised

release violation, inmate Francis approached a female college student, stuck an object in her side claiming it was a gun, forced her to walk to some bushes, forced her to perform oral sex, then took her to another area and raped her;

(b) A psychological review and assessment indicated Axis I diagnoses of Sexual Sadism and Paraphilia, Not Otherwise Specified (Telephone Scatologia and Nonconsent); Axis II diagnosis of Antisocial Personality Disorder;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, failure in sex offender treatment, early onset of sexual offending, significant intimacy deficits, and attitudes supportive of sexual offending, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Trent H. Evans
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons

1/29/10
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
SEAN FRANCIS,)	
Register Number 82919-054,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2010.

W. EARL BRITT
Senior U.S. District Judge